

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Esther H. CHANG et al.

Serial No.: Not yet assigned

Examiner: Not yet assigned

Filed: Herewith

Group Art Unit: Not yet assigned

For: COMPOSITIONS AND
METHODS FOR REDUCING
RADIATION AND DRUG
RESISTANCE IN CELLS

PRELIMINARY RESPONSE

Assistant Commissioner for Patents
Washington, DC 20231

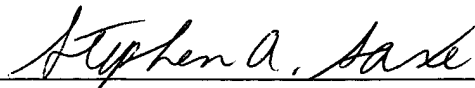
Dear Sir:

This application is being filed as a continuation-in-part of Serial No. 09/480,143 (the '143 application) (which is a continuation of Serial No. 08/991,830 (the '830 application) which was filed 16 December 1997) and also as a continuation-in-part of Serial No. 09/601,444 (the '444 application) which is a 35 U.S.C. § 371 filing of a PCT application filed 19 November 1998 claiming the benefit of provisional applications filed as early as 19 November 1997). The claims of the '143 application had received a rejection under 35 U.S.C. § 112, first paragraph, as not being enabled. Applicants disagree with this rejection and the rejection was argued in the grandparent '830 application. Other claims of the '830 application had been allowed and Applicants decided to let a patent issue with the allowed claims and to pursue the rejected claims in a continuation application. Added support for the claims, which added support was not explicitly set forth in the '143 application, is found in the '444 application which was filed by the same two inventors of the present application plus a third inventor not named on the presently filed application. This added support has been specifically inserted into the present application to more explicitly show that the claims were in fact enabled as of the filing date of the grandparent '830 application. This has therefore resulted in the present application being a continuation-in-part of two different parent applications.

It was decided to use this method of explicitly including supporting material directly in the application rather than using declarations filed under 37 C.F.R. § 1.132.

It is requested the presence of the additional material be noted by the Examiner and it is requested that the claims of the present application be examined in view of the present disclosure and not solely on the basis of the '143 disclosure as that application was previously viewed by the Examiner.

Respectfully submitted,



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